

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BELLGRAU et al.

Serial No.: 10/825,282

Filed: April 14, 2004

Atty. File No.: 3921-1-1-1-1

For: VIRAL VECTORS ENCODING
APOPTOSIS-INDUCING PROTEINS
AND METHODS FOR MAKING
AND USING THE SAME

) Group Art Unit: 1633

) Confirmation No. 7928

) Examiner: Kaushal, S.

)
) DECLARATION OF
) RICHARD C. DUKE AND
) JEROME B. SCHAACK
) (37 CFR § 1.132)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

We, Richard C. Duke and Jerome B. Schaack, each declare as follows:

1. I am a co-inventor of the above-referenced patent application and am familiar with the application.
2. This Declaration under 37 CFR 1.132 is being submitted in conjunction with an Amendment and Response to an Office Action having a mailing date of April 18, 2007.
3. I am a coauthor of the publication of Hedlund et al., entitled, "Adenovirus-mediated Expression of Fas Ligand Induces Apoptosis of Human Prostate Cancer Cells", *Cell Death and Differentiation*, 6:155-182, February 1999.
4. The publication of Hedlund et al. identified in paragraph 3 above is a publication which describes aspects of the invention disclosed in the above-referenced patent application.
5. The inventorship of the above-referenced patent application is correct in that the publication of Hedlund et al. discloses subject matter invented by Richard C. Duke or Jerome B. Schaack, rather than derived from the authors notwithstanding the authorship of the article. Specifically, coauthors of the publication of Hedlund et al., Tammy E. Hedlund, Sandra J. Meech, Sampathkumar Srikanth, Andrew S. Kraft, and Gary J. Miller, were merely working under the direction of one or both of Richard C. Duke or Jerome B. Schaack, and are not

PCD
10-16-07

inventors of the invention disclosed in the above-referenced patent application and also in the above-referenced publication of Hedlund et al.

4. I hereby declare that all statements made herein of my own are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the subject application or any patent issuing therefrom.

10-16-07

Date



Richard C. Duke

Date

Jerome B. Schaack

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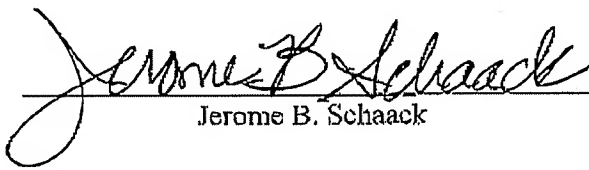
4. I hereby declare that all statements made herein of my own are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the subject application or any patent issuing therefrom.

Date

Richard C. Duke

10/15/07

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